

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Rudolf TISCHNER et al.

Serial No.: 10/773,412

Group Art Unit: 1638

Filed: February 5, 2004

Examiner: Ashwin D. Mehta

For: GENETICALLY MODIFIED SUGARBEET

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING

REJECTION (37 CFR §1.321(b))

Sir:

Interest of Person Making This Disclaimer

We, Markwart Kunz and Arnd Reinefeld, of Sudzucker Aktiengesellschaft, with an office at Mannheim/Ochsenfurt, Maximilianstrasse 10, D-68165 Mannheim, Germany, represent that we are representatives authorized to sign on behalf of the assignee identified below owning all of the

interest in this application.

Identity and Title of Disclaimant

The assignee is:

Name of assignees      Sudzucker Aktiengesellschaft

Address of assignees      Mannheim/Ochsenfurt

Maximilianstrasse 10

D-68165 Mannheim, Germany

Titles of disclaimants authorized to sign on behalf of assignee:

Dr. Markwart Kunz – Member of Executive Board

Dr. Arnd Reinefeld – Director

The required fee accompanies this disclaimer (\$130.00-large entity).

Recordal of Assignment in PTO

The assignment for Sudzucker Aktiengesellschaft was recorded on June 28, 2001, at Reel 011933, Frame 0092. Said document has been reviewed and, to the best of the assignee's knowledge and belief, title is in the assignee.

Disclaimer

Sudzucker Aktiengesellschaft hereby disclaims the terminal part of any patent granted on the above-identified present application which would expire

beyond the expiration date of the full statutory term of U.S. Patent No. 6,727,095; and

agree that any patent so granted on the above-identified present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,727,095, this agreement to run with any patent granted on the above-identified present application and to be binding upon the grantee, its successors or assigns; and

does not disclaim any terminal part of any patent granted on said above-identified present application that would extend to the full statutory term of U.S. Patent No. 6,727,095 in the event that said issued patent later expires for failure to pay maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to

be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SUDZUCKER AKTIENGESELLSCHAFT

Date: 12.10.06

Markwart Kunz

Name: Markwart Kunz

Title: Member of Executive Board

Date: 10.10.06

Arnd Reinefeld

Name: Arnd Reinefeld

Title: Director